

MD 1

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA

2007 JUL -31 A 10:06

KELLY O. PHILLIPS/JEFFREY BROOKS, CLERK
Full name and prison name of U.S. DISTRICT COURT
Plaintiff(s) MIDDLE DISTRICT ALA.

v. Elmore County Cor. Facilities
COMMISSIONER RICHARD ALLEN
WARDEN THOMAS
CAPTAIN MOORE
CAPTAIN HAWTHORNE
MS. McQUEEN/CLASS. SPEC.

Name of person(s) who violated your
constitutional rights. (List the names
of all the person.)

CIVIL ACTION NO. 2:07CV619-MEF
(To be supplied by Clerk of U.S. District
Court)

I. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court dealing with the same or similar facts involved in this action? YES ☒ No ☐
- B. Have you begun other lawsuits in state or federal court relating to your imprisonment? YES ☒ NO ☐
- C. If your answer to A or B is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s) KELLY PHILLIPS #147985

Defendant(s) PIKE COUNTY JAIL

TROY, ALABAMA #36081

2. Court (if federal court, name the district; if state court, name the county)

SOUTHERN DISTRICT OF ALABAMA

3. Docket number UNKNOWN TO PLAINTIFF
4. Name of judge to whom case was assigned SAME
5. Disposition (for example: was the case dismissed? Was it appealed? Is it still pending?) WAS TRANSFERRED TO PRISON, DISMISSED FOR FAILURE TO LITIGATE
6. Approximate date of filing lawsuit FEBRUARY 2006
7. Approximate date of disposition UNKNOWN

II. PLACE OF PRESENT CONFINEMENT ELMORE CORR. FACILITY

PLACE OR INSTITUTION WHERE INCIDENT OCCURRED

ELMORE CORR. FACILITY

III. NAME AND ADDRESS OF INDIVIDUAL(S) YOU ALLEGE VIOLATED YOUR CONSTITUTIONAL RIGHTS.

- | NAME | ADDRESS |
|-------------------------------|---|
| 1. WARDEN THOMAS | P.O. BOX 8 ELMORE, ALABAMA 36025 |
| 2. CAPTAIN WILLIE MOORE | SAME |
| 3. CAPTAIN HAWTHORNE | SAME |
| 4. COMMISSIONER RICHARD ALLEN | P.O. BOX 301501 MONTGOMERY, ALABAMA 36130 |
| 5. MRS. McQUEEN CLASS. SPEC. | P.O. BOX 8 ELMORE, ALABAMA 36025 |
| 6. COI BOYD | SAME |

IV. COI THOMPSON SAME
THE DATE UPON WHICH SAID VIOLATION OCCURRED MAY 12, 2007/JUNE 20 2007, and JUNE 28, 2007

V. STATE BRIEFLY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOUR CONSTITUTIONAL RIGHTS ARE BEING VIOLATED:

GROUND ONE: VIOLATION OF ADMIN. REG. 207/208, CRUEL AND UNUSAL PUNISHMENT, VIOLATION OF DUE PROCESS, DELIBERATE INDIFFERENCE,

VIOLATION OF 207 RETALIATION FROM CORRECTIONAL SENIOR OFFICERS TO CAUSE UNDUE MISERY AND HARDSHIP. SEXUAL DISCRIMINATION AND SLANDER, AND DENIAL OF PRISON RELATED PRIVILEGES BECAUSE OF SEXUAL PREFERENCE.

*D.O.C Rules, Deliberately disregard homosexual inmates as a preference of people.
Rule # 37 in 403 ~~cannot be prevented~~ For NATURALLY gay people without segregating homosexual from heterosexual.*

This same rule applies for the woman
at Tutwiler prison that are
lesbian females.

As males, ^{known} homosexual inmates are carefully
scrutinized for ~~any~~ ANY feminine
behavior. Even the ones of us that are
female impersonators way before our incarceration.
Homosexuality is NOT a crime, and homosexuals
behave as homosexuals do. Especially in a male
prison.

But rule # 37 attacks the behavior, but
the situation remains the same.

SEX is a natural act! So is femininity for
gays!

That cannot be a rule that traps and delays
homosexual inmates from our freedom when
there is no separation of heterosexual from
homosexual in our housing.

STATE BRIEFLY THE FACTS WHICH SUPPORT THIS GROUND. (State as best you can the time, place and manner and person involved.)

ON MAY 12, 2007 THREE(3) INMATES, VERNON COX, PAUL ANDREWS, AND MYSELF, KELLY PHILLIPS, WERE VERBALLY ABUSED BY OFFICERS AT ELMORE CORRECTIONAL

CORRECTIONAL FACILITY. WE WERE CALLED SISSIES, FAGGOTS, AND PUNK ASSES.

I FILED A LEGITIMATE COMPLAINT ON MAY 15, 2007 TO CAPTAIN MOORE AND THE WARDEN, AND MAILED COPIES TO COMMISSIONER ALLEN, ELMORE COUNTY D.A.

OFFICE, KIM HENDRIX WSFA, AND WAS THREATENED TO LEAVE SITUATION ALONE BY GROUND TWO: CAPTAIN MOORE. NO PROPER INVESTIGATION WAS DONE.

2. VIOLATION OF ADMIN. REG. 207 BY RETALIATING TO CAUSE PUNISHMENT AND HARDSHIP FOR FILING A COMPLAINT AGAINST OFFICER ON MAY 12, 2007.

SUPPORTING FACTS: ON JUNE 20th 2007 INMATE CONFESSED TO WARDEN THOMAS, AND CAPTAIN MOORE AND CAPTAIN HAWTHORNE THAT HE DELIBERATELY STOLE CLOTHING WITH MY PRISON NUMBER ON THEM. BECAUSE IT WAS MY CLOTHING, THEY WOULD NOT LISTEN TO THE TRUTH AND INITIATED PUNISHMENT ON ME THAT KEEPS ME FROM PARTICIPATING IN PROGRAMS

NEEDED TO PROGRESS AFTER WRITTEN STATEMENTS WERE SIGNED IN FORM OF A CONFESSION, TO PROVE MY INNOCENCE I WAS LAUGHED AT BY HAWTHORNE (CAPT), AFTER PUNISHMENT WAS GIVEN.

DISCRIMINATIVE REMARKS AND SEXUAL DELIBERATE INDIFFERENCE DISCRIMINATION. I HAVE BEEN TOLD THAT THE ADMINISTRATION DOES NOT LIKE ME BECAUSE I AM A "LITIGATING SISSY" BY CAPT. NMOORE.

GROUND THREE: and PROGRESS BY MS. McQUEEN AND TOLD I WAS NOT ELIGIBLE FOR ANYTHING

BECAUSE I WAS A FEMALE IMPERSONATOR ON THE STREET AT A PROGRESS

REVIEW BEFORE MS. McQUEEN. (JEFFREY BROOKS #133348). MRS. McQUEEN IS DENYING ELIGIBLE INMATES OPPORTUNITY TO MOVE ON FROM E.C.C.

SUPPORTING FACTS: (CHECK HER CASELOAD) AND USE HER CASELOAD AS EVIDENCE TO HOW MANY SHE HAS NOT SEEN EVERY (6) MONTHS FOR PROCESSING AND REVIEW.

*Cruel and unusual punishment, Inadequate Health ^{care} Proceed
Inadequate Laundry Facility. (1) ^{one} Laundry For (5) Five
institutions FORCE inmates to have to wash
clothing by hand and risk disciplinary action
to keep clean. State issues (3) sets of underclothing
Laundry bags are washed (1) once a week by rule!
So if an inmate works (5) days a week his clothing
is dirty. There are (7) days in a week. But if we
wash by hand it's a disciplinary. But each institution
should afford their own laundry facility. But Not Elmore ^{Co}
DCR →*

Elmore County Correctional Washes Clothing
FOR
ALEX City WR. RELEASE, 200 inmates (over
DRAPPER CORR FACILITY, OVER 1000 inmates
FRANK LEE Y. CENTER, OVER 500 inmates
ELMORE CORR. FACILITY, OVER 500 inmates
STATON CORR. FACILITY, OVER 1500 inmates

Allowing Inmates without a choice but to
HANDWASH their clothing if they want to stay
CLEAN.

THEN receive disciplinary action for doing so.

This is CRUEL AND UNUSUAL PUNISHMENT.

Especially when there is (1) ^{ONE} Laundry Facility for
all the above institutions.

Same situation applies for Medical Unit (1) ONE
MEDICAL DOCTOR FOR EACH institution. All medical
NEEDS ARE addressed at STATON. IN CASE OF
MORE THAN (1) ^{ONE} SERIOUS medical emergency, there's
BUT (1) ONE M.D. FOR (5) institutions.

ALL (5) institutions
FOR WASHING clothes ALONE, Elmore County HAS
ISSUED NUMEROUS inmates CITATIONS AND DISCIPLINARIES
~~then~~ THEN USES these infractions to DELAY these
inmates in moving OUT OF AN already OVERCROWDED
situation.

VI. STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU.
MAKE NO LEGAL ARGUMENT. CITE NO CASES OR STATUTES.

investigate all parties involved, make honest fair judgements, and discipline
those needed to be disciplined. award monetary damages for pain and suffering
and mental anguish at this institution. demand all parties involved to remain
at this institution to ensure these proceedings are not prejudiced. And,

The demotion of Both Captin Moore, & Hawthorne For deliberate
retalliation ~~against~~ inmates.
against

x

x

Signature of plaintiff(s)

JEFFREY BROOKS#133348

x

I declare under penalty of perjury that the foregoing is true and correct. VERNON COX#179181

Executed on June 29, 2007

(Date)

x

Signature of plaintiff(s)

x

Kelly Ph. H. P. S. #147985 B-1-34
P.O. Box 8.
Elmore AL 36025

MONTGOMERY AL 361
02 JUL 2007 PM 4 L



U.S. District Of Al.
Office Of The Clerk
P.O. Box 711
Montgomery AL 36101

3610140711

